

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ESTATE OF CHARLES M. DEMOS, et al.,

Plaintiffs,

vs.

STATE OF NEVADA, et al.,

Defendants.

Case No. 2:16-cv-00324-JAD-CWH

ORDER

Presently before the court is Plaintiffs Estate of Charles M. Demos, Sr., Paul C. Demos, Mark C. Demos, Denise O. Demos, Andrew C. Demos, and Charles M. Demos, Jr.'s Motion to Compel Defendant State of Nevada Department of Veterans Services to Produce Medical Records (ECF No. 42), filed on December 2, 2016. Defendant Nevada Department of Veterans Services filed a response (ECF No. 44) on December 19, 2016. Plaintiffs filed a reply on December 27, 2016.

On October 19, 2016, the court entered an order granting the parties' stipulation to stay discovery pending the outcome of Defendant's Motion to Compel Arbitration and/or Motion to Dismiss. (Order (ECF No. 41).) As of the date of this order, the stay of discovery remains in effect.

The court has read and considered the parties' arguments, including Plaintiffs' argument that the stay of discovery should be lifted for the limited purpose of resolving the issue raised in its motion to compel. The parties' primary rationale for staying discovery, however, was to "avoid[] redundant motion work which would waste this Court's time and resources . . . [and] to avoid potentially unnecessary and costly discovery efforts." (Stip. to Enlarge Time to Conduct Discovery (ECF No. 40) at 4-5.) Consistent with this rationale, the court declines to lift the stay of discovery

1 at this time. If the United States district judge denies the motion to compel arbitration and/or
2 motion to dismiss, Plaintiffs may re-file the motion to compel.

3 IT IS THEREFORE ORDERED that Plaintiffs Estate of Charles M. Demos, Sr., Paul C.
4 Demos, Mark C. Demos, Denise O. Demos, Andrew C. Demos, and Charles M. Demos, Jr.'s
5 Motion to Compel Defendant State of Nevada Department of Veterans Services to Produce
6 Medical Records (ECF No. 42) is DENIED without prejudice.

7 DATED: January 25, 2017

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10 **C.W. Hoffman, Jr.**
11 **United States Magistrate Judge**
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